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10/562,703	07/05/2006	Alfred Biesinger	095309.57215US	3756

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EXAMINER

WANG, JACK K

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,703	Applicant(s) BIESINGER ET AL.	
	Examiner JACK WANG	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1-13 are cancelled by applicant.
2. Claims 14-23, and 27-32 are currently amended.
3. Claims 33 and 34 are newly added.
4. The amendment filed 6/2/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: charging the at least one second vehicle for sending the messages to the at least one second vehicle. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

5. Claim 34 is objected to because of the following informalities: new matter introduced. The claim 34 currently reads "charging the at lease one second vehicle for sending the messages to the at lease one second vehicle", for the purpose of art rejection below the claim has been interpreted as --charging the at lease one second vehicle for receiving the messages-- (Page 8 lines 1-3). Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14, 18-22, and 24-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Knockeart et al. (US Patent # 6,680,694 B1).

Consider claim 14, Knockeart et al. teaches a system comprising: an apparatus in a first vehicle (100, Fig. 1) that produces and wirelessly transmits messages to at least one second vehicle (100, Fig. 1) configured to receive said messages, said apparatus comprising:

a communication device (Column 6 lines 33-36) outputting said messages and said communication device including a unit that determines road tolls (Column 29 lines 11-15); and

an activation device including a direction-of-travel indicator operating element, said activation device automatically transmitting said messages from the communication device in response to actuation of the direction-of-travel indicator operating element, said messages comprising at least information about the position and speed of the first vehicle (Column 1 lines 47-51); and

a control center (120, Fig. 1) that controls and sends said messages from the communication device to the at least one second vehicle (100, Fig. 1), wherein said control center manages road tolls (Column 29 lines 11-15).

Although Knockeart etl al. does not specifically discloses the apparatus wherein the first vehicle for producing and wirelessly transmitting message to at least second vehicle configured to receive said message. He does disclose the system for providing wireless data communication between multiple vehicles (Column 6 lines 34-37), such as short messages from an in-vehicle system to the server system, for broadcast to multiple vehicles (Col. 9, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to use well know method that will able the first vehicle for producing and wirelessly transmitting message to at

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least second vehicle configured to receive said message, which configure the vehicle to receive the message is a design choice for the particular application.

Consider claim 18, Knockeart et al. clearly shown and disclose the system, wherein the control center includes a digital road map (160, Fig. 1).

Consider claim 19, Knockeart et al. clearly shown and disclose the system, wherein at least one of said second vehicle (100, Fig. 1) is configured to receive the messages also includes a unit for determining road tolls (Column 29 lines 11-15).

Consider claim 20, Knockeart et al. clearly shown and disclose the system, wherein received messages can be output in said first and second vehicle at least one of visually, audibly or haptically (Column 13 lines 45-54).

Consider claim 21, Knockeart et al. clearly shown and disclose the system, wherein the control center actuates a device for outputting collective traffic information (Column 1 lines 56-58).

Consider claim 22, Knockeart et al. clearly shown and disclose the system, wherein the communication device is a mobile telephone (Column 8 lines 15-20).

Consider claim 24, Knockeart et al. teaches a method for producing messages in a first vehicle (100, Fig. 1) and wirelessly transmitting said messages to at least a second vehicle (100, Fig. 1) wherein said at least one second vehicle is configured to receive said messages, where activation by a driver of the first vehicle is followed by transmission of the message (Column 41 lines 40-46), said messages including at least information about the position and speed of the first vehicle (Column 4 lines 57-64), said method comprising the steps:

automatically sending the message from a unit in the first vehicle for determining road tolls to a control center which is configured to manage road tolls after the driver of the first vehicle has activated a direction-of-travel indicator operating element tolls (Column 29 lines 11-15); and forwarding the message from the control center (120, Fig. 1) to the at least one second vehicle (100, Fig. 1) after said message has been received by said control center (120, Fig. 1).

Although Knockeart et al. does not specifically discloses the method for producing messages in a first vehicle and wirelessly transmitting said messages to at least a second vehicle wherein said at least one second vehicle is configured to receive said messages. He does disclose the system for providing wireless data communication between multiple vehicles (Column 6 lines 34-37), such as short messages from an in-vehicle system to the server system, for broadcast to multiple vehicles (col. 9, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to use well know method that will able to producing messages in a first vehicle and wirelessly transmitting said messages to at least a second vehicle wherein said at least one second vehicle is configured to receive said messages, which configure the vehicle to receive the message is a design choice for the particular application.

Consider claim 25, Knockeart et al. clearly shown and disclose the method, wherein the control center forwards a message to the at least one second vehicle only after at least one further message of the same type has been received (Column 35 lines 54-61).

Consider claim 26, Knockeart et al. clearly shown and disclose the method, wherein provision is made for received messages to be forwarded in the control center (Column 35 lines 45-50).

8. Claims 15-17, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knokeart et al. (US Patent # 6,680,694 B1), and further in view of Barry et al. (US Patent # 6,034,598).

Consider claim 15, Knokeart et al. teaches the system with switches for user to select various mode of operation (Fig. 2A-2C), except wherein the direction-of- travel indicator operating element is at least one of a hazard warning system switch and a direction indicator switch.

In the same field of endeavor, Barry et al. teaches the direction-of- travel indicator operating element is at least one of a hazard warning system switch and a direction indicator switch (Column 1 lines 38-40) for the benefit of creating a simple data-processing connection between the hazard warning system switch and the communication system to determine the position of the vehicle without additional circuit.

Therefore, it would have been obvious to a person ordinary skill in the art at the time the invention was made to include the direction-of- travel indicator operating element is at least one of a hazard warning system switch and a direction indicator switch as shown in Barry et al., in Knokeart et al. device for the benefit of creating a simple data-processing connection between the hazard warning system switch and the communication system to determine the position of the vehicle without additional circuit.

Consider claim 16, Knokeart et al. teaches the system, wherein the messages activated by the a set of rocker switches are used in the control center to determine at least one of tail lift and a slow-moving vehicle and a broken- down vehicle (Column 13 lines 62-66), except hazard warning system switch.

In the same field of endeavor, Barry et al. teaches the hazard warning system switch (Column 2 lines 17-19) for the benefit of consolidating the system control switch into hazard warning switch to reduce additional circuit within the vehicle.

Therefore, it would have been obvious to a person ordinary skill in the art at the time the invention was made to include the hazard warning system switch as shown in Barry et al., in Knockeart et al. device for the benefit of consolidating the system control switch into hazard warning switch to reduce additional circuit within the vehicle.

Consider claim 17, Knockeart et al. teaches the system, wherein the messages activated by the direction indicator switch (rocker switches) are used in the control center to detect at least one of an overtaking operation by the first vehicle and a parked vehicle.

Although Knockeart et al. does not specifically disclose the overtaking operation by the first vehicle and a parked vehicle. He does disclose a GPS satellites that computing position data related to the location of the vehicle using the received reference signal, it would have been obvious to one of ordinary skill in the art at the time of the invention to use well know method of applying the signal from parked vehicle as reference signal to detect an overtaking operation by the first vehicle and parked vehicle, which the selection of reference signal are design choice for the particular application.

Consider claim 27 and 28, Knockeart et al. clearly shown and disclose the system, wherein the control center (centralized server) (120, Fig. 1) includes a digital road map (160, Fig. 1) (Column 11 lines 28-32).

Consider claim 29 and 30, Knockeart et al. clearly shown and disclose the system, wherein at least one of said second vehicle is configured to receive the messages also includes a unit for determining road tolls (Column 29 lines 11-15).

Consider claim 31 and 32, Knockeart et al. clearly shown and disclose the system, wherein received messages can be output in said first and second at least one of visually, audibly or haptically (Column 13 lines 45-54).

9. Claims 23, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knockeart et al. (US Patent # 6,680,694 B1) as applied to claim 14 and 24 above, and further in view of Ukai et al. (US Patent # 6,823,258 B2).

Consider claim 23, Knockeart et al. teaches similar invention except the system, further including an online billing facility for at least one of sent and received messages.

In the same field of endeavor, Ukai et al. teaches the apparatus further including an online billing facility for at least one of sent and received messages (Column 14 lines 65-67) for the benefit of providing access to control billing operations for the toll roads used.

Therefore, it would have been obvious to a person ordinary skill in the art at the time the invention was made to include an online billing facility for at least one of sent and received messages as shown in Ukai et al., in Knockeart et al. device for the benefit of providing access to control billing operations for the toll roads used.

Consider claim 33, Knockeart et al. teaches similar invention except the system, wherein the online billing facility rewards the first vehicle for sending the message and charges the at least one second vehicle for sending the messages to the at least one second vehicle.

In the same field of endeavor, Ukai et al. teaches the online billing facility rewards the first vehicle for sending the message and charges the at least one second vehicle for sending the messages to the at least one second vehicle (Column 7 lines 36-41) for the benefit of motivating vehicle operator to provide the useful information.

Therefore, it would have been obvious to a person ordinary skill in the art at the time the invention was made to include the online billing facility rewards the first vehicle for sending the message and charges the at least one second vehicle for sending the messages to the at least one second vehicle as shown in Ukai et al., in Knockeart et al. device for the benefit of motivating vehicle operator to provide the useful information.

Consider claim 34, Knockeart et al. teaches similar invention, except the method, further comprising the steps of: rewarding the first vehicle for sending the message; and charging the at least one second vehicle for receiving the messages.

In the same field of endeavor, Ukai et al. teaches the method, further comprising the steps of: rewarding the first vehicle for sending the message (Column 7 lines 36-41); and charging the at least one second vehicle for receiving the messages (on-demand insurance) for the benefit of paying the on-demand services when desire.

Therefore, it would have been obvious to a person ordinary skill in the art at the time the invention was made to include the method, further comprising the steps of: rewarding the first vehicle for sending the message; and charging the at least one second vehicle for receiving the messages as shown in Ukai et al., in Knockeart et al method for the benefit of paying the on-demand services when desire.

Response to Arguments

10. Applicant's arguments, see applicant's remarks, filed 6/2/2008, with respect to 19, 20, and 29-32 have been fully considered and amended in the manner suggested in the Office Action. The objection of claims 19, 20, and 29-32 has been withdrawn.

11. Applicant's arguments filed 6/2/2008 have been fully considered but they are not persuasive.

12. With respect to claim 14, 18-22, and 24-26. Applicant argues that prior art Knockeart et al. does not disclose the systems and methods of providing messages between vehicles by way of a control center. The control center manages road tolls and the vehicle sending the message includes a device that determines road tolls. When a direction of travel indicator is actuated by a vehicle, the communication device used for communicating toll information automatically transmits a message to the control center. Based on the message received from one or more vehicles, the control center can then provide particular information to other vehicles. Thus, the present invention leverages a road tolls system in vehicles and an associated control center to provide additional information to other vehicles. The examiner respectfully disagrees. As described in Abstract and Fig. 1, Knockeart et al. clearly shown and disclose the system and method, which is in the same field of endeavor, solved the same problem, and with similar structure as claimed by applicant.

13. With respect to claim 14. Applicant argues that reference provided by Knockeart et al. does not render this claim obvious. The examiner respectfully disagrees. Knockeart et al. does clearly shown and disclose the following claim elements:

1. an apparatus (in vehicle system) (105, Fig. 1) in a first vehicle (100, Fig. 1) comprising a communication device (cellular telephone) (Column 38 lines 40-43)

outputting said messages and said communication device including a unit that determines road tolls (toll fee) (Column 29 lines 11-15);

2. an apparatus (in vehicle system) (105, Fig. 1) in a first vehicle (100, fig. 1) comprising an activation device including a direction-of-travel indicator operating element, said activation device automatically transmitting said messages from the communication device in response to actuation of the direction-of-travel indicator operating element, said messages comprising at least information about the position and speed of the first vehicle (Column 39 lines 42-45); and

3. a control center (centralized server) (120, Fig. 1) that controls and sends said messages from the communication device (embedded in vehicle system) to the at least one second vehicle (100, Fig. 1), wherein said control center manages road tolls (Column 29 lines 11-15).

Moreover, applicant argues that there is nothing in the cited section, or any other section, of Knockeart disclosing or suggesting that a vehicle includes a unit that determines road tolls. Thus, Knockeart does disclose or suggest the first element set forth above. The examiner respectfully disagrees. As described in Column 29 lines 11-15, Knockeart clearly shown and disclose that the in vehicle system receive the information regarding the route and toll fees from the server system. Since the in vehicle system receives the information from server system, therefore, it is well known in the art that the unit is embedded within the in vehicle system in order to received the information without further detail description.

Furthermore, applicant argues that there is no disclosure of suggestion that the server system of Knockeart, which is disclosed as performing route planning functions, manages road

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tolls. Instead, Knockeart merely discloses that the server system accounts for road tolls during route planning. Thus, Knockeart does not disclose or suggest the third element set forth above. The examiner respectfully disagrees. The applicant claimed control center and centralized server cited in prior art is consider as obvious variation in term of name convention. Simply because they are all provides the same information such as route and road toll. The different name given to the device perform same function does not render invention novelty.

Last but not least, applicant argues that Knockeart, which discloses the use of a compass to estimate direction of travel and a velocity sensor to estimate distance traveled. There is nothing in this or any other section of Knockeart disclosing or suggesting an activation device that automatically transmits messages from the communication device in response to actuation of the direction-of-travel indicator operating element. Thus, Knockeart does not disclose or suggest the second element set forth above. The examiner respectfully disagrees. Knockeart teaches the apparatus and method, which performs the same functions as claimed. The term activation device should not limit to electronic device only, rather it could apply to activate mechanical device as well for performing practically the same function. In addition, Knockeart does disclose in Column 39 lines 42-45 to further enhance activation of device for estimate location and direction travel based on the GPS measurement.

Since Knockeart teaches similar invention as claimed by applicant with all of the reasons stated above. Therefore, it would render obviousness for the ordinary skill person in the art at time of invention.

14. With respect to claim 24. Applicant recites similar elements to those discussed above with regard to claim 14. In addition applicant argues that Knockeart does not disclose or suggest

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“automatically sending the message form a unit in the first vehicle for determining road tolls to control center which is activated a direction-of-travel indicator operating element.” The examiner respectfully disagrees. The similar element has been considered and rejected as stated above. Also as described in Column 29 lines 11-15, the route, travel time, and toll fees are provided by centralized server. Although the word "automatically" was not disclosed in the reference. It is still well known in the art, that computer receiving the request and sending the information performs in “automatic” fashion. Since the information is stored in the database located within the centralized server, and retrieve information is performed by computer.

15. With respect to claims 15-17, and 27-32. Applicant argues that variously depend from independent claim 14. As discussed the claim 14 stated rejected with reasons set forth above. Therefore, the claims 15-17, and 27-32 remain as rejected by virtue of their dependency from claim 14.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK WANG whose telephone number is (571)272-1938. The examiner can normally be reached on M-F 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JKW/

/Jeff Hofsass/
Supervisory Patent Examiner, Art Unit 2612